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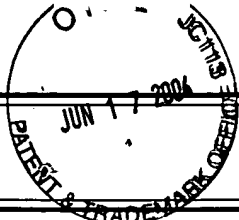
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# DAC
7FW**TRANSMITTAL LETTER**
(General - Patent Pending)Docket No.
20664.007

In Re Application Of: Cesar M. Diaz, et al.

Serial No.
10/757,948Filing Date
01/14/04

Examiner

Group Art Unit

Title: **SYSTEM FOR TERMINATING HEART ARRHYTHMIA USING ELECTRICAL SHOCKS DELIVERED THROUGH A SET OF INTERNAL AND EXTERNAL ELECTRODES CONFIGURABLE TO A MULTITUDE OF SHOCK CONFIGURATIONS BY SELECTING THE SHOCK VECTOR(S) ON CONTROL DEVICE THAT ALSO PROVIDES "OVERSHOCK" SAFETY FOR PATIENTS**

TO THE COMMISSIONER FOR PATENTS:

Transmitted herewith is:

1. Request to Correct Filing Date
2. Attachments
3. Check for \$130.00
4. Certificate of Mailing
5. Our Return Postcard.

in the above identified application.

- ☐ No additional fee is required.
- ☒ A check in the amount of \$130.00 is attached.
- ☒ The Director is hereby authorized to charge and credit Deposit Account No. 50-2555 as described below.
- ☐ Charge the amount of
- ☒ Credit any overpayment.
- ☒ Charge any additional fee required.

Signature

Dated: June 15, 2004

Charles D. Gunter, Jr.
Reg. No. 29,386
Whitaker, Chalk, Swindle & Sawyer, LLP
3500 City Center Tower II
301 Commerce Street
Fort Worth, Texas 76102-4186

I certify that this document and fee is being deposited on 06/15/04 with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Signature of Person Mailing Correspondence

Sarah Horner

Typed or Printed Name of Person Mailing Correspondence

CC:



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No. 20664.007

In re Application of

Cesar M. Diaz, et al.

Examiner:

Serial No.: 10/757,948

Art Unit:

Filed: 01/14/2004

For: **SYSTEM FOR TERMINATING HEART ARRHYTHMIA USING ELECTRICAL SHOCKS DELIVERED THROUGH A SET OF INTERNAL AND EXTERNAL ELECTRODES CONFIGURABLE TO A MULTITUDE OF SHOCK CONFIGURATIONS BY SELECTING THE SHOCK VECTOR(S) ON CONTROL DEVICE THAT ALSO PROVIDES "OVER SHOCK" SAFETY FOR PATIENTS**

PETITION TO CORRECT FILING DATE UNDER 37 CFR §1.53 AND §1.17(h)

Mail Stop: Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant respectfully requests that the filing date in the above case be corrected to December 18, 2003, the date Applicant made delivery of the complete application materials to the Patent Office.

CERTIFICATE OF MAILING	
37 CFR Section 1.8	
I hereby certify that this document is being deposited with the U.S. Postal Service as first class mail under 37 CFR. 1.8 and is addressed to the Comm. For Patents, P.O. Box 1450, Alexandria, VA 22313-1450.	
Date: <u>June 15, 2004</u>	By: <u>Sarah Horner</u>

REMARKS

This is a request to correct the filing date which has been afforded in the present case. Applicant filed a pro se provisional application, serial number 60/434,128, on 12/18/2002. It was Applicant's intention to convert the provisional filing to a regular application by a pro se case which was sent by Federal Express on 12/17/2003, in order to claim the benefit of the priority of the provisional case.


As set out more fully in Applicant's letter and airbills (Attachment One), the complete application which was scheduled for delivery on 12/18/2003, but was apparently returned from the Patent Office to Applicant. Exactly why the package was returned is not entirely apparent. Applicant received the return package on 01/13/2004, and within two hours of receipt returned the complete package by Federal Express, the package being received by the Patent Office on 01/14/2004. Applicant has subsequently received an official filing receipt giving the official filing date as 01/14/2004.

Applicant respectfully requests that the Office consider the above facts, including the fact that the complete Application was apparently delivered on time to the Office, and that the filing date of 01/14/2004, be corrected to 12/18/2003.

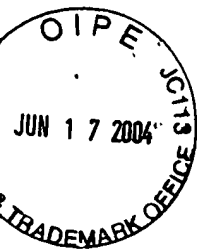
The fee under 37 C.F. R. §1.17(h) is enclosed.

Respectfully submitted,

Date: June 15, 2004


Charles D. Gunter, Jr.
Reg. No. 29,386
Whitaker, Chalk, Swindle & Sawyer, LLP
301 Commerce St, STE 3500
Fort Worth, Texas 76102-4186
(817) 878-0504
ATTORNEY(S) FOR APPLICANT

F:\STOR\CDG\POLYCOMP\CORRES\07PET.WPD



From the desk of Cesar M. Diaz

United States Patent and Trade Mark Office
Commissioner of Patents
Post Office Box 1450
Alexandria, VA, 22313-1450

cc: Charles Gunter, Esq.

Dear Patent Examiner:

I sent this enclosed application out to you on December 17th, 2003 for delivery on the morning of December 18th, 2003 (see Federal Express Air bill copy attached). It appears that Federal Express Added MS 17, Office of Finance to the address and this caused confusion in your office. I have checked with a law firm here in Irvine California and Fort Worth Texas and they inform me that the address originally sent to is correct so I am sending this once again but am additionally sending you this letter via fax since this is an urgent matter. Please be informed that we sent this application to ensure that Provisional Application #: 60/434,128 remained in full force and that we received confirmation of acceptance dated 1-27-03 that is attached to application.

Please note that we acted responsibly and in good faith to deliver this to USPTO but do to apparent confusion this did not get accepted as usual.

Acting within 2 hours of physically receiving the returned application sent via economy Federal Express (dated shipment: 1-13-04) but from a different address than that originally mailed to (see copy of Federal Express Air Bill for returned application) by us. We formally request that USPTO accept our application as originally sent on 12-17-03 and that should have been accepted on 12-18-03 when first attempt for delivery was attempted to the proper address.

Sincerely,

1/14/04
12:41 PST

Cesar M. Diaz
Co-inventor / Applicant of record

Also faxed with copies of 2 Air way bills.

ATTACHMENT
ONE

989
1000

FedEx. USA Airbill
Express

FedEx
Tracking
Number

8436 8330 5957

1 From This portion can be removed for Recipient's records.

Date 12-13-08 FedEx Tracking Number

843683305957

Sender's
Name

Phone

Company FDX/NDVA STATION

Address 4720 EISENHOWER AVE

City ALEXANDRIA

State VA ZIP 22304

Dep. Address/Phone

2 Your Internal Billing Reference

RTS# 84068303267

3 To Recipient's Name ESAR DIAZ

Phone

Company

Address

17915 SkyPark Gate #D

State VA ZIP 22061

City JARVIN

State VA ZIP 22061

Dep. Address/Phone

8436 8330 5957



NO POUCH NEEDED.
See back for peel and stick application instructions.

RECIPIENT: PEEL HERE

4a Express Package Service

☐ Next business morning
☐ FedEx Priority Overnight
Delivery commitment may be later in some areas.
☐ FedEx Standard Overnight
Next business afternoon.
☐ FedEx First Overnight
Earliest next morning
Delivery to select locations

☐ FedEx 2Day
Second business day
FedEx Envelope rates not available. Minimum charge: One pound rate.

4b Express Freight Service

☐ FedEx 1Day Freight*
Next business day
*Call for Confirmation.
☐ FedEx 2Day Freight
Second business day
☐ FedEx 3Day Freight
Third business day
Delivery commitment may be later in some areas.

5 Packaging

☐ FedEx Envelope*
☒ FedEx Pak*
Includes FedEx Small Pak, FedEx Large Pak, and FedEx Sturdy Pak.
*Declared value limit \$200

6 Special Handling

☐ SATURDAY Delivery
Available only for FedEx Priority Overnight and FedEx 2Day in select ZIP codes.
☐ HOLD Warehouse at FedEx Location
For available for FedEx First Overnight.
Does this shipment contain dangerous goods?
☒ No ☐ Yes
If Yes, please specify: ☐ Hazardous ☐ Not Hazardous
Dangerous Goods (including Dry Ice) cannot be shipped in FedEx packages.

7 Payment

☒ Sender's Account
FedEx No. in Section 3
☐ Recipient
☐ Third Party
☐ Credit Card
☐ Cash/Check
Enter FedEx Acct. No. or Credit Card No. below.
Other: ☐ Cash/Check Only
Other: ☐ Cash/Check Only

8 Release Signature

☐ Signature Required
Sign to authorize delivery without obtaining signature.
Your liability is limited to \$100 unless you declare a higher value. See the FedEx Service Guide for details.

Total Packages

Total Weight

Total Charges

Credit Card Auth.

By signing you authorize us to deliver this shipment without obtaining a signature and release to indemnify and hold us harmless from any resulting claims.

Questions? Visit our Web site at fedex.com

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Align bottom of Airbill Pouch or Peel and Stick

See back for peel and stick application instructions.

For FedEx

FedEx USA Airbill
Express

840683032677

1 From
Date 12/17/03 Sender's FedEx Account Number 212144479

Sender's Name Cesar Diaz Phone 949 261-8130

Company [Redacted]
Address 17915 Skyway Circle #D

City IRVINE State CA ZIP 92614

2 Your Internal Billing Reference

3 To
Recipient's Name Commissioner for Patents Phone

Company USPTO

Address P.O. Box 1450
Is "HOLD" or FedEx location, print FedEx address

Address MS 17 Office of Finance
City Alexandria State VA ZIP 22313-1450



8406 8303 2677

0200

Form 11.1. No.

FedEx Retrieval Copy

4a Express Package Service
1 ☒ FedEx Priority Overnight 5 ☐ FedEx Standard Overnight 6 ☐ FedEx First Overnight
Next business morning Next business afternoon Delivery commitment may be later in some areas. Late arrival penalties may apply.

3 ☐ FedEx 2Day 20 ☐ FedEx Express Saver
Second business day Third business day
FedEx's Envelope size not available. Maximum charge: One pound 16 oz.

4b Express Freight Service
7 ☐ FedEx 1Day Freight* 8 ☐ FedEx 2Day Freight 83 ☐ FedEx 3Day Freight
Next business day Second business day Third business day
*Call for Confirmation

5 Packaging
6 ☒ FedEx Envelope* 2 ☐ FedEx Pak* 1 ☐ Other
Includes FedEx Small Pak, FedEx Large Pak, and FedEx Surety Pak. *Declared value less \$500

6 Special Handling
3 ☐ SATURDAY Delivery
Available only for FedEx Priority Overnight, FedEx 2Day, and FedEx 3Day. Not available for FedEx First Overnight and FedEx 2Day to select ZIP codes.
Does this shipment contain dangerous goods? No ☒ Yes ☐ Yes ☐ No
Dangerous Goods including Dry Ice cannot be shipped in FedEx packaging. Dry Ice UN 1845
Include FedEx address in Section 3. 1 ☐ HOLD Weekday at FedEx Location 31 ☐ HOLD Saturday at FedEx Location
Not available for FedEx Priority Overnight and FedEx 2Day to select ZIP codes.

7 Payment Bill to: 2 ☐ Recipient 3 ☐ Third Party 4 ☐ Credit Card 5 ☐ Cash/Check
1 ☐ Sender
FedEx Account No. [Redacted] Date
FedEx Card No. [Redacted]

8 Release Signature
Signature of shipper or authorized agent. Sign to authorize delivery without obtaining signature.
Your liability is limited to \$100 unless you declare a higher value. See the FedEx Service Guide for details.

Total Packages Total Weight Total Charges
Credit Card Auth

446

By signing you authorize us to deliver this shipment without obtaining a signature and agree to indemnify and hold us harmless from any resulting claims.
New Dom 10/01/01 01/01/02 01/01/03 01/01/04 01/01/05 01/01/06 01/01/07 01/01/08 01/01/09 01/01/10 01/01/11 01/01/12 01/01/13 01/01/14 01/01/15 01/01/16 01/01/17 01/01/18 01/01/19 01/01/20 01/01/21 01/01/22 01/01/23 01/01/24 01/01/25 01/01/26 01/01/27 01/01/28 01/01/29 01/01/30 01/01/31 01/01/32 01/01/33 01/01/34 01/01/35 01/01/36 01/01/37 01/01/38 01/01/39 01/01/40 01/01/41 01/01/42 01/01/43 01/01/44 01/01/45 01/01/46 01/01/47 01/01/48 01/01/49 01/01/50 01/01/51 01/01/52 01/01/53 01/01/54 01/01/55 01/01/56 01/01/57 01/01/58 01/01/59 01/01/60 01/01/61 01/01/62 01/01/63 01/01/64 01/01/65 01/01/66 01/01/67 01/01/68 01/01/69 01/01/70 01/01/71 01/01/72 01/01/73 01/01/74 01/01/75 01/01/76 01/01/77 01/01/78 01/01/79 01/01/80 01/01/81 01/01/82 01/01/83 01/01/84 01/01/85 01/01/86 01/01/87 01/01/88 01/01/89 01/01/90 01/01/91 01/01/92 01/01/93 01/01/94 01/01/95 01/01/96 01/01/97 01/01/98 01/01/99 01/01/00